

From: Richard W. Lipp
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

Greetings:

As an information technology professional, and as an American citizen, I feel it is my duty to provide comment, as provided for in the Tunney Act, on the proposed final judgement in the Microsoft anti-trust case.

In essence, my opinion is that the proposed final judgement provides so many loopholes that it provides no effective means to prevent Microsoft from continuing to engage in anti-competitive monopolistic behaviors.

As one reads text of the proposed final judgement, and analysis of the proposed final judgement, one cannot help but wonder if Microsoft were allowed to write the document in whole! Specious definitions and narrow categorizations result in a document that fails to properly address Microsoft's past behavior. The result is a document that provides very few obstacles to continued monopolistic behavior, and even those are easily circumvented by the exact same sort of tactics used by Microsoft to get around past efforts to control its behavior.

Microsoft has previously used the tactic of renaming a version or product to remove it from the scope of legal agreements. Microsoft has previously used the tactic of claiming, and claiming falsely as has been shown, that a governed product is an essential part of another ungoverned product to remove it from the scope of legal agreements. Microsoft has repeatedly shown that any rules dependent on their agreeing to "play nice" are effectively worthless. Still, the proposed final judgement retains several loopholes that will allow Microsoft to use the exact same tactics again. Microsoft claims a "freedom to innovate", but the proposed final judgement does not even require them to innovate new methods of circumvention.

We might as well rename the document the "New England Migratory Waterfowl Breeding Act". In the final analysis, the proposed final judgement is about as effectual in either arena.

Respectfully,

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